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11 \*Attorney for Petitioner Boivae Fleming

12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 Boivae Fleming,

15 Petitioner

16 v.

17 Warden Hutchison, *et al.*,

18 Respondents

Case No. 2:20-cv-01983-CDS-EJY

**Unopposed Motion for Extension  
of Time to File Opposition to  
Motion to Dismiss**

**(Second Request)**

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21 Petitioner Boivae Fleming, by and through counsel, Laura Barrera, Assistant  
22 Federal Public Defender, moves this Court for an extension of time of 14 days from  
23 January 26, 2023, to and including February 9, 2023, to file the opposition to  
24 Respondents' motion to dismiss.  
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## POINTS AND AUTHORITIES

Mr. Fleming mailed his §2254 petition to this Court on October 23, 2020.<sup>1</sup> The Federal Public Defender was appointed to represent Mr. Fleming on May 14, 2021.<sup>2</sup> Mr. Fleming filed his counseled amended petition on June 27, 2022.<sup>3</sup> Respondents filed a motion to dismiss on December 9, 2022.<sup>4</sup> Petitioner's opposition to the motion to dismiss is currently due January 26, 2023. Petitioner now respectfully requests a short extension of time to file his opposition.

The additional period of time is necessary in order to effectively represent Mr. Fleming. This motion is filed in the interests of justice and not for the purposes of unnecessary delay.

Undersigned counsel respectfully requests additional time to prepare the opposition. Undersigned counsel is currently working on pleadings and investigations in other cases including recent interviews with experts and witnesses in *Lopez v. Garrett*, 2:20-cv-01496-RFB-VCF and *Pineda-Laurencio v. Gittere*, 2:19-cv-00477-LRH-EJY. Undersigned counsel also filed a reply to answer this week in *Orduna v. Garrett*, 3:20-cv-00641-MMD-CLB and is working on a reply to answer in *Patterson v. Johnson*, 2:20-cv-01614-JAD-DJA. Undersigned counsel has been diligently working on this opposition but requires the additional time to make final edits and revisions in consultation with co-counsel.

On January 23, 2023, Deputy Attorney General Gerri Hardcastle was contacted via email and stated that Respondents do not object to the extension, but the lack of objection should not be construed as a waiver of any procedural defenses.

<sup>1</sup> ECF No. 1-1.

<sup>2</sup> ECF No. 9.

<sup>3</sup> ECF No. 22.

<sup>4</sup> ECF No. 32.

1 For the above stated reasons, Petitioner respectfully requests this Court  
2 grant an extension of time of 14 days and order the opposition to the motion to  
3 dismiss to be filed on or before February 9, 2023.

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5 Dated January 26, 2023.

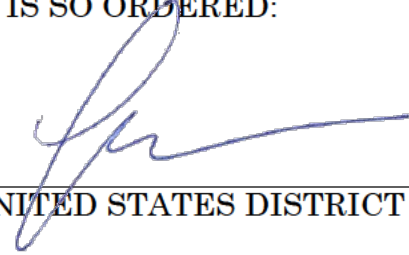
6 Respectfully submitted,

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8 Rene L. Valladares  
9 Federal Public Defender

10 /s/ Laura Barrera

11 Laura Barrera  
12 Assistant Federal Public Defender  
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17 IT IS SO ORDERED:

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20 UNITED STATES DISTRICT JUDGE

21 DATED: January 26, 2023  
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